

1 Patrick M. Howe (SBN 154669)  
2 *pat@patrickhowelaw.com*  
3 PATRICK HOWE LAW, APC  
4 402 W. Broadway, Ste. 1025  
5 San Diego, CA 92101  
6 (619) 398-3422 Phone  
7 (619) 452-2507 Fax

8 Attorney for plaintiff  
9 Integon National Insurance Company

10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF CALIFORNIA  
12

13 Integon National Insurance  
14 Company,

15 Plaintiff,

16 v.

17 Robert Hutsell, Jason May, The  
18 Mendiburu Magic Foundation  
19 Against Cancer, and D&E Suburu  
20 Family Limited Partnership,

21 Defendants.  
22  
23  
24  
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Case No. 1:20-CV-00490-NONE-JLT

**Joint Request for Extension of  
Time to File Joint Statement re  
Stay of Action**

**(Doc. 31)**

1           1. On August 7, 2020, the Court entered an order staying this case with  
2           respect to the causes of action against defendant Robert Hutsell based upon  
3           the pending nature of an associated criminal case against Mr. Hutsell arising  
4           out of the same loss at issue here. (Dkt. 23.)

5           2. The criminal case has now resolved. Robert Hutsell pled no contest to  
6           one of the charges and the others were dismissed.

7           3. There is no stay in effect in the civil state court action alleged in the  
8           complaint.

9           4. Plaintiff contends the stay in this case should be lifted.

10          5. Defendant Robert Hutsell contends the stay should remain in place  
11          and that the Court should set a briefing schedule and hearing on the issue.

12          6. On August 5, 2021, the Court issued an order directing plaintiff and  
13          defendant Robert Hutsell to file a joint statement by no later than September  
14          3, 2021 setting forth their respective positions on whether the stay should be  
15          lifted. (Dkt 30.)

16          7. Counsel for plaintiff assumed (incorrectly) that counsel for defendant  
17          received the Court's order and was thus aware of the briefing schedule. On  
18          August 30, 2021, plaintiff counsel learned that defense counsel was unaware  
19          of the order because defendant has not yet filed an appearance in the case in  
20          light of the stay and therefore did receive notice of the order through the  
21          CM/ECF system. Counsel for plaintiff did not otherwise notify defense  
22          counsel because he incorrectly assumed defense counsel had received notice  
23          through the CM/ECF system.

24          8. Given these circumstances and the fact that counsel for defendant is  
25          set to be out of the office for vacation, plaintiff and defendant Robert Hutsell  
26          jointly request an extension of the deadline for the parties to file a joint  
27          statement until September 24, 2021.  
28

August 30, 2021

PATRICK HOWE LAW, APC

By: /s/ Patrick M. Howe

Patrick M. Howe

Attorney for plaintiff Integon

National Insurance Company

August 30, 2021

WILKINS, DROLSHAGEN &  
CZESHINSKI LLP

By: /s/ James H. Wilkins

James H. Wilkins

Attorneys for defendant Robert

Hutsell

(Signature authorized on August 30,  
2021)

**ORDER**

The Court has considered the above request. Good cause appearing therefore, the  
Court ORDERS:

1. The deadline to file the briefs re: lifting the stay (Doc. 30) SHALL be filed no  
later than September 24, 2021;
2. Counsel for Robert Hutsell SHALL file an appearance in this case for purposes of  
electronic filing/receiving the Court's orders no later than September 10, 2021.
3. The Clerk of Court is DIRECTED to serve a copy of this order on:

James Wilkins  
Wilkins, Drolshagen & Czeshinski  
6785 N. Willow Ave.  
Fresno, CA 93710

IT IS SO ORDERED.

Dated: August 30, 2021

/s/ Jennifer L. Thurston  
CHIEF UNITED STATES MAGISTRATE JUDGE